

BS

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NORTHERN DIST. OF TX
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ORIGINAL

Bryan W. Wilder
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Bryan W. Wilder

Plaintiff,

v.

Ogden Ragland Mortgage;
Mortgage Electronic Registration Systems, Inc.;
JPMorgan Chase Bank, N.A.;
Caliber Home Loans, Inc.;
Federal Home Loan Mortgage Corporation
/a/k/a Freddie Mac;
Connie J. Vandergriff;

DOES 1-100

Defendants

CASE NO.: 3:15-cv-04013-N-BF

PLAINTIFF AFFIDAVIT IN
SUPPORT OF OPPOSITION TO
DEFENDANTS' CALIBER HOME
LOANS, INC.; FEDERAL HOME
LOAN MORTGAGE
CORPORATION MOTION TO
DISMISS

STATE OF TEXAS)
) ss.:
COUNTY OF DALLAS)

AFFIDAVIT

Bryan W. Wilder of full age and are qualified to make this affidavit which is based on my
personal knowledge.

1. I am the Plaintiff in the above caption matter.
2. No loan received. As per my personal recollection, I state that I was not the
recipient of any loan proceeds or loan disbursement in any form and, in spite of an intense search

1 of all pertinent records, I was not able to find any loan disbursement instructions or loan
2 disbursement confirmation or receipt of said loan in any form whatsoever. In light of the lack of
3 evidence that a loan was received, in spite of the fact that the NOTE asserts that I had already
4 received a loan as of the date the NOTE was signed, I had not, in fact, received said loan in any
5 form.

6 3. NOTE is not evidence of a loan. I conclude that since the above-described NOTE
7 states that the referenced loan was an event that allegedly had already occurred at some
8 unspecified date in the past, prior to the date the above-described NOTE was signed, the above-
9 described NOTE cannot be relied upon as evidence that "a loan" was, in fact, received,
10 especially since the above-described NOTE merely asserts that a loan "was received" by me, but
11 provides no evidence that a loan disbursement ever occurred from the alleged "Lender" to me.
12

13 4. The alleged "Lender" created and promulgated false assumptions and
14 misrepresentations. I conclude that, as of the date the NOTE was signed, along with other
15 "mortgage" documents, including the accompanying security instrument, I was deceived into
16 believing the following false assumptions and misrepresentations:

- 17 a. A loan was being provided to me by a "lender",
18 b. Said loan had been provided to me after the NOTE was signed,
19 c. The NOTE would not be used for any purpose other than executing and
20 commemorating a loan agreement.
21 d. The was given by me to the alleged "Lender" for safe-keeping and would be
22 returned upon completion of all payments.

23 5. As a result of many hours of research and careful examination of what
24 documentation is in my possession, I conclude the following:

- 25 a. A loan had *not* been provided to me and had not been received by me as of the
26 date the NOTE was signed,

Exhibit A

- 1 b. The author of the NOTE falsely and deceptively stated that I *had received* a
2 loan when, in fact, no loan had been received by me,
3 c. The only thing that commenced on the date the NOTE was signed was the
4 execution of the NOTE wherein a promise of a payment was made,
5 d. No lawful consideration was given for the Note to me, s a result the
6 transaction was never consummated.
7 e. I have become aware of the facts stated herein on or about April of 2015, and

8 6. On April 18, 2015, I exercised my unconditional right pursuant to Truth in
9 Lending Act ("TILA") I mailed via Certified mail a Notice of Rescission to the following parties
10 a/k/a/ defendants to effect the rescission and recall of loan documents:

11 Ogden Ragland Mortgage
12 1601 W 6th Street
13 4400 Alpha Road
14 Austin, TX 78703
15 Sent via Certified RR Mail No.: 70132630000032263703

16 Freddie Mac
17 8200 Jones Branch Drive
18 McLean, VA 22102-3110
19 Sent via Certified RR Mail No.: 70122920000142311838

20 Mortgage Electronic Registration Systems, Inc.
21 P.O. Box 2026
22 Flint, MI 48501-2026
23 Sent via Certified RR Mail No.: 70122920000142311814

24 JPMorgan Chase Bank, N.A.
25 1111 Polaris Parkway
26 Columbus, OH 43240
27 Sent via Certified RR Mail No.: 70122920000142311821

28 Caliber Home Loans, Inc.
29 c/o The Corporation Trust Company
30 1209 N Orange Street
31 Wilmington DE 19801-1120
32 Sent via Certified RR Mail No.: 70122920000142311838

1 7. The Notice of Rescission was received by parties from April 18, 2015 to April 24,
2 2015, as indicated by the USPS.com tracking information (See Exhibit B)

3 8. The Notice was issued by operation of law, defendants had 20 days after receipt
4 of the Notice to challenge the Notice and its content by filing a law suit.

5 9. Defendants failed to take action to challenge the Notice and its content pursuant to TILA
6 requirements and therefore waived their right to a hearing on the Notice in the court of law.

7 10. As a result of the failure of defendants' to timely challenge the Notice this court
8 has no authority to address the Notice or any content thereof or make any attempt to nullify the
9 Notice in violation of Federal Law.

10 11. The rescission is effective by operation of law from the moment it is dropped in
11 the mailbox, and has the same effect as a judge signing a court order canceling the loan.

12 12. The loan documents including the note and the Deed of Trust have been
13 rescinded. The Deed of Trust is void.

14
15 I affirm that the foregoing statements made in this declaration are true to the best of my
16 knowledge and belief.

17
18
19 By: Bryan W. Wilder
20 Bryan W. Wilder

21
22
23
24
25
26
Exhibit A

JURAT

STATE OF TEXAS)
) ss.:
COUNTY OF DALLAS)

On February 16th, 2016 before me, Shari Shields

Notary Name

personally appeared Bryan W. Wilder who proved to me on the basis of satisfactory evidence to be the man/woman whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his / her authorized capacities, and that by his/her signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument under the penalty of perjury.

Signature

Shari Shields

(Seal)

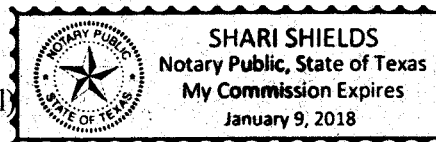


Exhibit A

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking®



Customer Service >
Have questions? We're here to help.



Get Easy Tracking Updates >
Sign up for My USPS.

Tracking Number: 70122920000142311838

Updated Delivery Day: Wednesday, April 22, 2015

Product & Tracking Information

Postal Product:

First-Class Mail®

Features:

Certified Mail™

Return Receipt

DATE & TIME	STATUS OF ITEM	LOCATION
April 22, 2015, 6:45 am	Delivered	WILMINGTON, DE 19801

Your item was delivered at 6:45 am on April 22, 2015 in WILMINGTON, DE 19801.

DATE & TIME	STATUS OF ITEM	LOCATION
April 21, 2015, 12:29 pm	Available for Pickup	WILMINGTON, DE 19899
April 21, 2015, 11:44 am	Arrived at Unit	WILMINGTON, DE 19801
April 20, 2015, 7:12 pm	Departed USPS Facility	WILMINGTON, DE 19850
April 20, 2015, 7:28 am	Arrived at USPS Origin Facility	WILMINGTON, DE 19850
April 20, 2015, 1:26 am	Departed USPS Facility	NTX P&DC
April 18, 2015, 11:21 pm	Arrived at USPS Facility	NTX P&DC
April 18, 2015, 5:56 pm	Departed Post Office	DALLAS, TX 75260
April 18, 2015, 3:23 pm	Acceptance	DALLAS, TX 75260

Available Actions

Track Another Package

Tracking (or receipt) number

70122920000142311838

Track It

Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.

Sign up for My USPS >



Exhibit B

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking®



Customer Service ›
Have questions? We're here to help.



Get Easy Tracking Updates ›
Sign up for My USPS.

Tracking Number: 7013263000032263710

On Time

Expected Delivery Day: Tuesday, April 21, 2015

Product & Tracking Information

Postal Product:

First-Class Mail®

Features:

Certified Mail™

Return Receipt

DATE & TIME

STATUS OF ITEM

LOCATION

April 21, 2015 , 9:05 am

Delivered

MC LEAN, VA 22102

Your item was delivered at 9:05 am on April 21, 2015 in MC LEAN, VA 22102.

April 21, 2015 , 8:20 am

Sorting Complete

MC LEAN, VA 22102

April 21, 2015 , 6:52 am

Arrived at Unit

MC LEAN, VA 22102

April 21, 2015 , 2:46 am

Departed USPS Facility

MERRIFIELD, VA 22081

April 20, 2015 , 9:44 am

Arrived at USPS Origin Facility

MERRIFIELD, VA 22081

April 20, 2015 , 1:26 am

Departed USPS Facility

NTXP&DC

April 18, 2015 , 11:21 pm

Arrived at USPS Facility

NTXP&DC

April 18, 2015 , 5:56 pm

Departed Post Office

DALLAS, TX 75260

April 18, 2015 , 3:22 pm

Acceptance

DALLAS, TX 75260

Available Actions

Track Another Package

Tracking (or receipt) number

7013263000032263710

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Sign up for My USPS ›



Exhibit B

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking®



Customer Service ›
Have questions? We're here to help.



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Sign up for My USPS.

Tracking Number: 70122920000142311821

Updated Delivery Day: Friday, April 24, 2015

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

Return Receipt

DATE & TIME	STATUS OF ITEM	LOCATION
April 23, 2015 , 10:57 am	Delivered	COLUMBUS, OH 43240

Your item was delivered at 10:57 am on April 23, 2015 in COLUMBUS, OH 43240

April 23, 2015 , 10:53 am	Arrived at Unit	WESTERVILLE, OH 43082
April 22, 2015 , 10:10 pm	Departed USPS Origin Facility	COLUMBUS, OH 43218
April 22, 2015 , 10:59 am	Arrived at USPS Origin Facility	COLUMBUS, OH 43218
April 20, 2015 , 1:26 am	Departed USPS Facility	NTX P&DC
April 18, 2015 , 11:21 pm	Arrived at USPS Facility	NTX P&DC
April 18, 2015 , 5:56 pm	Departed Post Office	DALLAS, TX 75260
April 18, 2015 , 3:25 pm	Acceptance	DALLAS, TX 75260

Available Actions

Track Another Package

Tracking (or receipt) number

70122920000142311821

Track It

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Sign up for My USPS ›



Exhibit B

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking®



Customer Service >
Have questions? We're here to help.



Get Easy Tracking Updates >
Sign up for My USPS.

Tracking Number: 70122920000142311814

Updated Delivery Day: Thursday, April 23, 2015

Product & Tracking Information

Postal Product:

First-Class Mail®

Features:

Certified Mail™

Return Receipt

DATE & TIME

April 24, 2015 , 11:56 am

STATUS OF ITEM

Delivered

LOCATION

FLINT, MI 48501

Your item was delivered at 11:56 am on April 24, 2015 in FLINT, MI 48501.

April 23, 2015 , 7:56 am	Out for Delivery	FLINT, MI 48502
April 23, 2015 , 7:46 am	Sorting Complete	FLINT, MI 48502
April 23, 2015 , 7:37 am	Arrived at Unit	FLINT, MI 48502
April 22, 2015 , 11:10 pm	Departed USPS Facility	PONTIAC, MI 48340
April 22, 2015 , 2:06 pm	Arrived at USPS Origin Facility	PONTIAC, MI 48340
April 20, 2015 , 1:26 am	Departed USPS Facility	NTX P&DC
April 18, 2015 , 11:21 pm	Arrived at USPS Facility	NTX P&DC
April 18, 2015 , 5:56 pm	Departed Post Office	DALLAS, TX 75260
April 18, 2015 , 3:25 pm	Acceptance	DALLAS, TX 75260

Available Actions

Track Another Package

Tracking (or receipt) number

70122920000142311814

Track It

Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.

Sign up for My USPS >



Exhibit B